



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

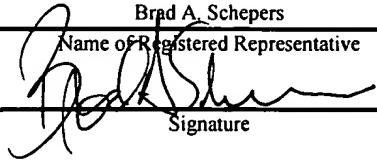
In re patent application of:	)	Before the Examiner:
Charles L. Branch et al.	)	Pedro Philogene
	)	
Application Serial No.: 09/870,023	)	Group Art Unit: 3731
	)	
Filed: May 30, 2001	)	Ref. No.: MSDI-213/ PC365.05
	)	
INTERBODY FUSION GRAFTS	)	October 24, 2006
AND INSTRUMENTATION	)	

**RESPONSE TO NON-FINAL OFFICE ACTION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the non-final Office Action dated April 26, 2006, please enter and consider the following amendments and remarks. A fee in the amount of \$1,020.00 is remitted herewith for a three (3) month extension of time, thereby extending the time period to respond to the non-final Office Action to October 26, 2006. Please provide any extensions of time necessary and charge any additional fees which may be necessary to Deposit Account No. 12-2424, but not to include any payment of issue fees.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:	
October 26, 2006	_____
Date of Deposit	_____
Brad A. Schepers	_____
Name of Registered Representative	_____
	_____
Signature	_____
October 24, 2006	_____
Date of Signature	_____

### **INTRODUCTORY COMMENTS**

Claims 63-106 were pending in the subject application for the non-final Office Action mailed on April 26, 2006. Claims 63-106 have been rejected on various grounds. In view of the following amendments and remarks, reconsideration and allowance of the subject application are hereby requested.